



09-13-04

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PATENT
Docket No. 554792000401

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, LABEL NO. EV 470 627 376 US on the date indicated below and is addressed to: **COMMISSIONER FOR PATENTS, MS: MISSING PARTS, P.O. BOX 1450, Alexandria, VA 22313-1450.**

Dated: September 10, 2004

Signature:  (Lilia Olsen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Allen I. BAIN et al.

Serial No.: 10/674,684

Filing Date: September 29, 2003

For: ION CHANNEL MODULATING
COMPOUNDS AND USES THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1626

**PETITION UNDER 35 CFR 1.53(e) TO
SHOW RECEIPT OF ITEM(S) IN
RESPONSE TO TO NOTICE OF
OMITTED ITEM(S) OF 8/16/04**

MS: MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The attached Notice of Omitted Items (Notice) was mailed to Applicant in the above-captioned patent application on August 16, 2004. A response is due October 16, 2004, as such this response is timely.

The Notice states that pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the specification were omitted when filed in the U.S. Patent and Trademark Office on September 29, 2003.

Petition Under 35 CFR 1.53(e) to Show Receipt of Item(s) in Response to Notice of Omitted Item(s) of August 16, 2004

Under section 503 of the Manual of Patent Examining Procedure (MPEP), a returned, un-annotated postcard is prima-facie evidence that all the items properly identified and itemized on the postcard were received by the Patent and Trademark office on the date stamped on the postcard (Office Date stamp).

Enclosed is a photocopy of the postcard filed with the application and properly identifying and itemizing the papers filed with the application. Specifically, the postcard identifies a specification having 159 pages and there is no annotation on the postcard noting that fewer than 159 pages were received. The length of the complete specification including pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 is 159 pages. Thus, the returned, un-annotated postcard (**EXHIBIT A** - copy of return receipt postcard -front and back side) provides prima-facie evidence of receipt in the Patent and Trademark Office of pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the above-captioned application.

Applicants respectfully requests that pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 be included in the Specification, and that the entire 159 pages of the present application be afforded the September 29, 2003 filing date.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for

Appln. Serial No. 10/674,684

3

Docket No.: 554792000401

Petition Under 35 CFR 1.53(e) to Show Receipt of Item(s) in Response to Notice of Omitted Item(s) of August 16, 2004

any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 554792000401. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 10, 2004

Respectfully submitted,

By: Michael R. Ward
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